

1 HASSAN A. ZAVAREEI (CA 181547)
2 JEFFREY KALIEL (CA 238293)
3 SOPHIA GOREN (CA 307971)
4 **TYCKO & ZAVAREEI LLP**
5 1828 L Street, NW, Suite 1000
6 Washington, DC 20036
(202) 973-0900
(202) 973-0950 (FAX)
jkaliel@tzlegal.com
hzavareei@tzlegal.com
sgoren@tzlegal.com

7 STUART E. SCOTT (0064834) (pro hac vice)
8 DANIEL FRECH (0082737) (pro hac vice)
9 **SPANGENBERG SHIBLEY & LIBER LLP**
10 1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (FAX)
sscott@spanglaw.com
dfrech@spanglaw.com

11 *Counsel for Plaintiff and the Putative Class*

12
13 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

14
15 DAVID M. LUCAS,
On Behalf of Himself and Those
16 Similarly Situated

17 Case No. 14-cv-01631-LAB-JLB

18 Plaintiff,

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20 **NOTICE OF MOTION AND MOTION**
TO WITHDRAW AS COUNSEL FOR
PLAINTIFF

21 Judge: Hon. Larry Alan Burns
Action Filed: July 9, 2014

22 JOS. A. BANK CLOTHIERS, INC.,

23 Defendant.

1 NOTICE TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT the law firms of Tycko & Zavareei LLP and
3 Spangenberg Shibley & Liber LLP and attorneys Hassan Zavareei, Jeffrey Kaliel,
4 Sophia Goren, Stuart Scott, and Daniel Frech, request leave to withdraw as counsel of
5 record for Plaintiff David Lucas. Such request is made pursuant to Civ.L.R.
6 83.3(f)(3).

7 This motion to withdraw is made in conjunction with Plaintiff's concurrently
8 filed Motion for Voluntary Dismissal With Prejudice. Should the Court grant
9 Plaintiff's Motion for Voluntary Dismissal, Mr. Lucas's interests in this matter will
10 be at an end, and no prejudice or delay will result from withdrawal. Even if this Court
11 were to deny Plaintiff's Motion for Voluntary Dismissal, Plaintiff's Counsel would
12 still be obligated to withdraw from representing Mr. Lucas under California's Rule of
13 Professional Conduct 3-700(B)(2). Counsel has a good faith belief that continuing the
14 attorney-client relationship will result in a violation of Rules of Professional Conduct.
15 Frech Decl., at ¶1. Mindful of its obligations to both Mr. Lucas and this Court,
16 Counsel does not feel it can divulge any further information. *Id.*

17 The above-named law firms and attorneys have informed Mr. Lucas of their
18 intent to terminate the attorney-client relationship. *See id.*, at ¶2. Counsel took
19 reasonable steps to advise Mr. Lucas of the implications of this withdrawal, and
20 advised him of his ability to obtain additional counsel. Mr. Lucas has consented to the
21 termination of representation. *See id.*, at ¶3.

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1 Dated: July 14, 2016

Respectfully submitted,

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/s/ Hassan A. Zavareei
HASSAN A. ZAVAREEI (CA 181547)
JEFFREY KALIEL (CA 238293)
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15 *Counsel for Plaintiff and the Putative Class*

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1 **CERTIFICATE OF SERVICE**

2 I, Hassan Zavareei, on this 14th day of July 2016, hereby certify that foregoing
3 document was filed via the Court's CM ECF system, thereby causing a true and correct
4 copy to be sent to all ECF-registered counsel of record. Additionally, pursuant to
5 Civ.L.R. 83.3(f)(3)(a), I electronically served a copy of this document on my client,
6 David Lucas.

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8 /s/ Hassan Zavareei
9 HASSAN A. ZAVAREEI (CA 181547)

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